



DAKOTA'S LEGISLATURE.

The Press and Dakotian's Report of the Proceedings of the Council and House of Representatives.

Fourteenth Session—47th and 49th Days.

Council.

AFTERNOON SESSION.

Saturday, February, 26.—The council met at 2 p. m., the president in the chair and the members all present. An

EXECUTIVE SESSION

was at once held, and confirmations made, as noted in Saturday evening's paper.

MORE VETOS.

At the conclusion of the executive session the following veto messages were received from the governor:

TERRITORY OF DAKOTA, EXECUTIVE OFFICE, Yankton, February 26, 1881.

To the Legislative Council of the Territory of Dakota—I return herewith to the council, where it originated, bill No. 120, entitled an act to amend chapter four of the session laws of the legislative assembly of the territory of Dakota for the year 1879, entitled "An act concerning corporations and persons engaged in the business of banking," without my approval and signature, and with my objections thereto.

This bill seeks to repeal the only law in the territory which claims to give the public any information in regard to the operations or standing of private banking institutions, and leaves the door wide open during the next two years for the inauguration of what was known a few years since as "the wild cat banking system."

As I stated in my message to the legislature, there are objections to some of the provisions of the law as it now stands which should either be removed or some new law enacted. I cannot, however, regard the absolute repeal of all law on the subject as safe or desirable.

The comptroller of the currency at Washington has under the United States law required of the executive a report of the number and standing of territorial or private banking institutions in Dakota, and I have given him assurance that I would recommend such legislation as would secure for him the desired information.

I therefore return this bill with the request that some legislative action may be taken that will enable the executive to meet the requirements of the comptroller and also give the public some protection before all law upon this subject is repealed.

N. G. ORDWAY, Governor.

TERRITORY OF DAKOTA, EXECUTIVE OFFICE, YANKTON, February 26, 1881.

To the legislative council of the territory of Dakota.—I return herewith to the council in which body it originated bill No. 111, entitled an act granting the right to establish and maintain a bridge across the Red river at the city of Grand Forks, and territory of Dakota, without my approval and signature and with my objections thereto.

I. The bill in question seeks to grant to three individuals an "special privilege" or "private charter," in a manner not warranted by the organic law. It also seeks by implication, if not by positive grant, to make the privilege for an indefinite space on the Red river, exclusive for ten years.

II. The bill makes no provision for a draw in the bridge proposed to be built, or gives other adequate security to protect the free navigation of the Red river of the North.

III. It allows what seems to me to be excessive rates or tolls, and in many respects I regard its provisions as unsafe to the public interests.

IV. All laws in regard to private bridges or ferries in a country where the inhabitants are so much interested should be general in their character, and I see no reason why the present general law in regard to bridges might not, with slight amendments, be made to accomplish all the results that the public interests require for bridging the Red river at Grand Forks.

N. G. ORDWAY, Governor.

Both the bills described in the above messages were immediately passed over the veto by a unanimous vote of the council.

THE SCHOOL BILL

was received from the house, and considered and discussed at some length. It was finally determined to make it a special order in committee of the whole at 11 o'clock a. m. on Monday.

After reading and referring to committees several house files, the council adjourned until 10 o'clock, a. m., on Monday.

Council.

Monday, February 28.—The council met at 10 a. m., and was called to order by the president.

Prayer by the chaplain.

Roll call showed all members present.

Minutes read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body of house files 203, 204, 216 and 230, and the passage over the governor's veto council bills 111 and 120.

PETITION.

Mr. Gamble presented a petition from citizens of Beadle county praying for the establishment of a judicial subdivision, composed of the counties of Miner, Beadle, Spink and Brown, with the court at Huron; to make a legislative district of the central Jim river counties; to authorize Beadle county to issue bonds to build a court house and jail, and school district No. 1 to do the same thing to build a school house.

Mr. Gamble stated that if no objections were made he would on to-morrow introduce a bill to authorize Beadle county to issue bonds for the construction of a court house and jail.

Objections were made, consequently the bill can not be introduced.

REPORTS OF COMMITTEES.

Mr. Wiggin from the committee on agriculture, reported and recommended the passage of house files 182 and 224.

Mr. Scobey, from the committee on education, reported in favor of the passage of house files 139, 154 and 181.

Mr. Day, from the committee on counties, reported back and recommended the passage of house file 140.

Mr. Gamble, from the committee on judiciary, reported back house file 112, amending the bird law, recommending that it lie on the table. The report was adopted.

Mr. Jolley, from the committee on engrossed and enrolled bills reported that he had on Saturday presented the governor the following council bills:

No. 130, providing for the erection and construction of a court house and jail for the county of Hughes.

No. 133, to amend section 452 of the civil code.

No. 133, to provide for the election of justices of the peace in Martin county.

No. 140, to change the name of the town of Stickney to Ojata.

No. 154, to relieve certain citizens of Morton county from paying liquor licenses to said county and for other purposes.

No. 162, supplemental to council bill 150, being an act to provide a new charter for the city of Fargo.

Mr. Jolley, from the committee on insurance, banks and banking, reported that house file 104 be returned to the house for correction, the enacting clause being omitted. The report was adopted.

RECALLED.

On motion of Mr. Wallace, a resolution was adopted, asking the governor to return to the council for correction the bill authorizing Burleigh county to fund its outstanding indebtedness.

A motion was made by Mr. Jolley asking for the return from the executive office of the bill in relation to the election of justices of the peace in Morton county, which motion was lost.

HOUSE FILES

were read a second time and referred as follows:

No. 203, regulating costs in civil cases, to judiciary committee.

No. 204, to amend section 542 of the civil code, to the judiciary committee.

No. 215, creating the county of Dickey, to a special committee consisting of Mr. Fisher.

No. 230, creating an independent school district in Moody county, to the committee on education.

The following house files were read a third time and were disposed of as indicated:

No. 139, establishing a state normal school at Madison, Lake county. Passed.

No. 154, to amend section 3 of chapter 24 of the political code. Lost.

No. 140, to establish an independent school district at Madison, Lake county. Passed.

No. 181, to authorize a school district in Richland county to issue bonds. Passed.

No. 182, to build four bridges across the Sioux river in Moody county. Passed.

No. 234, for the protection of deer in the counties of Clay, Union and Lincoln. Passed.

REPORTED BACK.

Mr. Scobey, from the committee on education, reported back and recommended the passage of house file 230, to create an independent school district in Moody county.

Mr. Fisher, to whom had been referred house file 216, to create the county of Dickey, reported it back and recommended its passage.

The above bills were then read a third time and passed.

MESSAGE FROM THE HOUSE.

A message from the house announced the indefinite postponement of council bill 30, to provide for a commissioner of finance and banking and prescribing the duties thereof, and the passage of house files 158 and 234; the amendment of house file 104 by supplying the enacting clause; and the passage of the council joint resolution for the return from the executive office of council bill 153.

COMMITTEE OF THE WHOLE.

At 11:45 a. m. the council went into committee of the whole, Mr. Jolley in the chair, on house file 150, to create a public school law for the territory.

After some time spent in the consideration of the bill, and the adoption of sundry amendments, on motion of Mr. Martin, the committee rose, and reported the bill back with a recommendation that it do not pass.

When the committee arose and the president resumed the chair, a long discussion ensued upon the recommendation of the committee that the bill do not pass. A vote being taken on the recommendation of the committee of the whole it was negated by a vote of ayes 4, noes 8.

RECESS.

On motion of Mr. Shaw, the council took a recess until 2 p. m.

House.

AFTERNOON SESSION.

Saturday, Feb. 26.—The house reconvened at two o'clock p. m., Mr. Speaker in the chair and all the members present except Mr. LaMoure, excused.

RECOMMENDATION.

Mr. Wells moved that the vote by which council bill 135, relating to the charter of the city of Bismarck, was lost be reconsidered, and the motion was adopted. The bill was then passed, with an amendment attached.

COMMITTEE REPORTS.

Mr. Dickey, from the judiciary committee, reported back council bill 15, with a recommendation that it pass, house file 144, that it go to the committee of the whole, council bill 79 without recommendation and council bills 163, 145 and house file 153 with a recommendation that they do not pass.

Mr. Kennedy, from the committee on counties and townships, reported back house file 190 without recommendation.

Mr. McBratney, from the committee on mines and mining, reported back council bill 117, with a recommendation that it pass, and house file 210, with a recommendation that it do not pass.

Mr. Moore, from the committee on incorporations, reported back council bill 161, with a recommendation that it pass.

Mr. Boyles, from the judiciary committee, reported back council bills 137 and 152, with a recommendation that they pass.

Mr. Wells, from the railroad committee, reported back house file 209, relating to the taxation of express and telegraph companies, be postponed until the next session of the legislature.

COMMITTEE OF THE WHOLE.

On motion of Mr. Wells, the house at 4:45 p. m. went into committee of the whole on the general order, Mr. Ellefson in the chair.

VETO MESSAGES.

The council sent down two bills vetoed by the governor and passed over his veto and requested the concurrence of the house in the action of the council.

One of these bills is numbered 111 and grants the right to establish and maintain a bridge across Red river at Grand Forks.

The other is numbered 120 and seeks to repeal the act of the last session relating to persons or corporations engaged in the business of banking, requiring the publication of bank statements.

Council bill 111 was put upon its passage, the objections of the governor to the contrary notwithstanding, and President Walsh, of the council, was given an opportunity to explain the provisions of the measure. At the close of his remarks the vote was taken and the bill was passed over the veto, Mr. Speaker alone voting in the negative.

Council bill 120 was put upon its passage, the veto of the governor to the contrary notwithstanding, and the bill was passed by unanimous vote.

COMMITTEE OF THE WHOLE.

The house resumed work in committee of the whole, Mr. Inman in the chair.

THE COMMITTEE ROSE

at 6:30 p. m. and reported sundry bills, which report was adopted.

RECESS.

The house then took a recess until 7:30 p. m.

EVENING SESSION.

The house re-convened at 7:30 p. m., Mr. Speaker in the chair and a quorum present.

HOUSE BILLS.

The following house bills had their third reading and were disposed of as indicated:

Number 158, providing for the construction of court houses and jails in all counties, was rejected.

On motion of Mr. Kennedy, the vote by which the bill was lost was reconsidered. The bill was referred to the committee on counties and townships for amendment.

Number 188, to amend the law for the protection of game was passed.

Number 190, to create the county of Harding, was rejected. Speaker Harding opposed the bill upon the ground that it would be unjust to impose this division upon Aurora county, from which it was proposed to slice off the proposed county of Harding. A motion to reconsider the vote was laid on the table.

Number 190, to amend the act passed at the present session, to define the boundaries of judicial districts and fix the terms of court therein, was rejected.

Number 203, to regulate the costs in civil actions and special proceedings in district courts, was passed.

Number 204, to amend section 542 of the civil code, giving churches an easement opportunity to mortgage their property, was passed.

Number 207, to amend section 338, article ten, chapter three, part two of the code of civil procedure, was passed.

Number 216, to create the county of Dickey and define its boundaries, was passed.

Number 219, to regulate the sale of illuminating oil, was passed.

Number 210, to encourage exploration for coal deposits, was rejected.

A BILL INTRODUCED.

Mr. Kennedy, by unanimous consent, introduced house file 233, to establish independent school district number one of Moody county. Under a suspension of the rules, the bill had its several readings and was passed.

EXCUSSED.

On motion of Mr. Wells, Mr. Miller was excused from further attendance during the session.

ADJOURNMENT.

The house, at 8:45 p. m., adjourned to ten o'clock Monday morning.

HOUSE.

Monday, February 23.—The house convened at ten o'clock a. m. and was opened with prayer by the chaplain.

Mr. Speaker in the chair and all the members present, excepting La Moure and Miller, excused.

The journal of the preceding session was read and approved.

COMMITTEE REPORTS.

Mr. Inman, from the committee on insurance, banks and banking, reported back, with a recommendation that it do not pass, council bill 30, to provide for a commissioner of finance and banking.

On motion of Mr. French, further consideration of the bill was indefinitely postponed.

COUNCIL MESSAGE.

A message was received from the council announcing the return to the house, for correction, of house file 104, regulating insurance corporations. Also that the council had concurred in the house amendments to council bill 39, for the protection of fish.

BILLS INTRODUCED.

Mr. Speaker (Mr. Boyles in the chair), by unanimous consent, introduced house file 231, to repeal section one, chapter 32 of the thirteenth session laws.

Also house file 232, to increase the compensation of justices of the peace.

Also house file 233, to amend the thirteenth session laws.

Under a suspension of the rules, on motion of Mr. French, the rules were suspended, the three bills had their second reading and were referred to the committee on judiciary.

Mr. Hale, by unanimous consent introduced house file 234, to create the county of Harding, and define its boundaries. The proposed county is bounded on the north by Billings county, on the east by the 103d meridian, on the south by Mandan county and on the west by the western boundary of Dakota. Under a suspension of the rules, the bill had its sev-

eral readings and was passed, Mr. Van Osdel alone voting in the negative.

By unanimous consent, Mr. Kennedy introduced house file 235, substitute for house file 158, providing for the construction of court houses and jails in Lake and Turner counties. Under a suspension of the rules, the bill had its several readings and was passed by unanimous vote.

COUNCIL BILLS.

Council bill 164, to amend the incorporation act of the city of Bismarck, had its first, second and third readings, under a suspension of the rules, and was passed unanimously.

Council bill 166, to amend the act incorporating the city of Grand Forks, under a suspension of the rules, had its several readings, and was passed by unanimous vote.

The following council bills had their third reading and were disposed of as indicated:

Number 70, to authorize the commissioners of Bon Homme county to regulate licenses, was rejected by unanimous vote.

Number 117, concurring the right of way, emencement and other necessary means for the development of mines, was passed by unanimous vote.

Number 117, to amend section four chapter 50 of the political code, entitled registration of warrants, was passed, Messrs. Cross, Moore, Rohr, Thompson and Van Osdel voting in the negative.

Number 145, to amend section 67 of the code of civil procedure, was rejected by unanimous vote.

Number 151, substitute, to amend chapter 34 of part two of the code of civil procedure, relating to mechanics' liens, was passed, Messrs. Ellefson and Moore voting in the negative.

Number 152 to amend sections 31 and 337 of the code of civil procedure, was passed; Messrs. Cross, Dickey, Donaldson, Thielman, Thompson and VanOsdel voting in the negative.

Number 161, to vacate certain portions of the town of Canton, was passed, Mr. Cross alone voting in the negative.

Number 163, to fund the outstanding indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks, was passed by unanimous vote.

RECESS.

The house, at 12:30 p. m., took a recess until two o'clock p. m.

AFTERNOON SESSION.

The house re-convened at two p. m.

The following house bills had their second reading and were referred as indicated.

Number 214, to provide for the construction of a court house and jail for Stutsman county, under a suspension of the rules had its third reading and was passed, Messrs. Cross, Donaldson, McBratney, Moore, Thompson, and Van Osdel voting in the negative.

Number 217, to enable the counties of Dickey, LaMoure, Ransom, Foster and Ramsey to issue bonds to aid in the construction of railroads, was referred to the committee on railroads.

A COMMITTEE REPORT.

Mr. Thorne, from the joint conference committee on the house amendment to council bill 158, reported that the committee recommended that the house recede from its amendment. The report of the committee was rejected.

Mr. Thorne moved to reconsider the vote by which the report on the foregoing bill was rejected and the motion prevailed.

On motion of Mr. Boyles, the house refused to recede from its amendments to the bill.

COMMITTEE OF THE WHOLE.

On motion of Mr. Dickey, the house, at three o'clock p. m., went into committee of the whole on the general order, Mr. Boyles in the chair.

THE COMMITTEE ROSE

at 3:05 p. m., reported back sundry bills and the report was accepted and adopted.

HOUSE FILES.

The following house bills had their third reading and were disposed of as indicated:

Number 144, providing for a constitutional convention was rejected, Messrs. Landman, McBratney, Warner and Wells voting in the affirmative.

Number 154, to amend the act providing absolute exemptions, was rejected, Messrs. Donaldson, Kennedy, Landman and Van Osdel voting in the affirmative.

RECESS.

At 3:15 p. m., the house took a recess of twenty minutes.